

Fill in this information to identify the case:

United States Bankruptcy Court for the:

EASTERN District of California

Case number (if known): 22-22056 Chapter

☒ Check if this is an amended filing

Official Form 105 AMENDED

Involuntary Petition Against an Individual

12/15

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-individual* (Official Form 205). Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

☒ Chapter 7☐ Chapter 11**Part 2: Identify the Debtor**

2. Debtor's full name

David

First name

R.

Middle name

Michal

Last name

Suffix (Sr., Jr., II, III)

3. Other names you know the debtor has used in the last 8 years

Include any assumed, married, maiden, or trade names, or *doing business as* names.

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)

☒ Unknown

xxx - xx - 8 7 9 9

OR

9 xx - xx -

5. Any Employer Identification Numbers (EINs) used in the last 8 years

☒ Unknown

EIN

EIN

Debtor

David R. Michal

Case number (if known) _____

6. Debtor's address

Principal residence

263 Ironwood Lane

Number Street

Redding

City

CA

State

96003

ZIP Code

Shasta

County

Mailing address, if different from residence

Number Street

City

State

ZIP Code

Principal place of business

Number Street

City

State

ZIP Code

County

7. Type of business

☒ Debtor does not operate a business

Check one if the debtor operates a business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

8. Type of debt

Each petitioner believes:

- ☐ Debts are primarily consumer debts. Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts. Business debts are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.

9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?

☒ No

☐ Yes. Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Debtor

David R. Michal

Case number (if known)

Part 3: Report About the Case

10. Venue

Check one:

Reason for filing in this court.

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.
- ☐ Other reason. Explain. (See 28 U.S.C. § 1408.)

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying such debtor's debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
- ☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☐ No
- ☒ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim

Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
Sarah Halevy	Assignment of Judgment	\$ 4,777,759.80
David H. Walker, individually and as trustee of the Sarah H. Walker T	Assignment of Judgment	\$ 4,777,759.80
Marjorie B. Walker, individually	Assignment of Judgment	\$ 4,777,759.80
Total		\$ 4,777,759.80

If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.

Debtor David R. Michal

Case number (if known) _____

Part 4: Request for Relief

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(l).

Petitioners or Petitioners' Representativex Sarah Halevy

Signature of petitioner or representative, including representative's title

Sarah Halevy

Printed name of petitioner

Date signed 8 16 2022
MM / DD / YYYY**Mailing address of petitioner**c/o Robert Duetsch, 1 Page Ave, Suite 200

Number Street

Asheville

City

NC

State

28801

ZIP Code

If petitioner is an individual and is not represented by an attorney:

Contact phone _____

Email _____

Name and mailing address of petitioner's representative, if any

Name _____

Number Street _____

City _____

State _____

ZIP Code _____

Attorneysx Charles L. Hastings

Signature of attorney

Charles L. Hastings

Printed name

Law Office of Hastings & Ron

Firm name, if any

4719 Quail Lakes Dr., Ste G, PMB #270

Number Street

Stockton

City

CA

State

95207

ZIP Code

Date signed _____

MM / DD / YYYY

Contact phone (209) 476-1010Email chastings@hastingslawoff

Debtor David H. Michal

Case number (if known) _____

x David H Walker

Signature of petitioner or representative, including representative's title

David H. Walker, individually and as trustee

Printed name of petitioner

Date signed 08 16 2022
MM / DD / YYYY

Mailing address of petitioner

22 North Dansby Dr.

Number Street

Galveston TX 77551
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

x Marjorie B Walker

Signature of petitioner or representative, including representative's title

Marjorie B. Walker, individually

Printed name of petitioner

Date signed 08 16 2022
MM / DD / YYYY

Mailing address of petitioner

22 North Dansby Dr.

Number Street

Galveston TX 77551
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

x

Charles L Hastings

Signature of Attorney

Charles L. Hastings

Printed name

Law Office of Hastings & Ron

Firm name, if any

4719 Quail Lakes Dr., Ste G, PMB #270

Number Street

Stockton CA 95207
City State ZIP Code

Date signed _____
MM / DD / YYYY

Contact phone _____ Email _____

x

Charles L Hastings

Signature of Attorney

Charles L. Hastings

Printed name

Law Office of Hastings & Ron

Firm name, if any

4719 Quail Lakes Dr., Ste G, PMB #270

Number Street

Stockton CA 95207
City State ZIP Code


Date signed _____
MM / DD / YYYY

Contact phone _____ Email _____

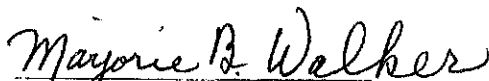
STATEMENT REQUIRED UNDER BANKRUPTCY RULE 1003(a)

The Petitioning Creditors, who's signatures are below, hereby state they each received an assignment of a judgment against the debtor, David R. Michal. The assignment was not for the purpose of commencing this involuntary case against the debtor. The consideration of the transfer was in settlement of a claim held by each of the undersigned against the previous holder of the judgment.

Dated: 8/16/22


Sarah Halevy


David H. Walker, individually and as trustee of the Sarah H. Walker Trust


Marjorie B. Walker

5/12/21

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF GUILFORD

2021 MAY -7 P 2:30

SUPERIOR COURT DIVISION

FILE: 16 CVS 7519

Marshall Melton, Investment Property Funds I, LLC, West Bay Partners, LLC, and Integrated Consulting & Management, LLC,

GUILFORD CO., C.S.C.

ASSIGNMENT OF JUDGMENT
PURSUANT TO N.C.G.S. § 1-246

Plaintiffs,

vs.

BHB of Georgia, LLC and David R. Michal,

Defendants.

THIS ASSIGNMENT OF JUDGMENT made and entered into this the 26th day of April, 2021, by and between Marshall Melton, individually, Investment Property Funds I, LLC, West Bay Partners, LLC, and Integrated Consulting & Management, LLC (collectively, the "Assignors"), and

Sarah Halevy, David H. Walker, individually, Marjorie B. Walker, individually, and the Sarah H. Walker Trust (the "Trust"), by and through David H. Walker, as Trustee (collectively, the "Assignees");

WITNESSETH:

WHEREAS, on February 10, 2017 an order (the "Order") was entered in Superior Court of Guilford County, North Carolina in the above-identified Superior Court civil action 16 CVS 7519 (the "Civil Action"), in favor of Plaintiffs Marshall Melton individually ("Melton"), Investment Property Funds I, LLC, West Bay Partners, LLC, and Integrated Consulting & Management, LLC, which are owned and controlled solely by Melton (collectively, the "Plaintiffs"), against two of the Defendants in the Civil Action, to wit: David R. Michal ("Michal") and BHB of Georgia, LLC ("BHB"), BHB in turn being solely owned and controlled by Michal, which order imposed joint and several liability on Michal and BHB in the amount of three million, four hundred thousand dollars (\$3,400,000.00), plus the costs incurred in the Civil Action and interest accruing on said principal amount at the legal rate until paid; and

WHEREAS, the Order concerned enforcement of a certain "MEDIATED SETTLEMENT AGREEMENT" concluding a mediation that occurred on or about April 18 and April 19 of 2016 (the "Settlement Agreement"), between the parties to the Civil Action, which Settlement Agreement reflected the aforesaid debt owed collectively by Defendants to Plaintiffs collectively in the Civil Action; and

WHEREAS, the Order was docketed as a final judgment by the Clerk of Superior Court of Guilford County, North Carolina, also on February 10, 2017 (the "Judgment"), said Judgment together with accrued interest at the legal rate, court costs and fees totaling \$4,155,143.14 as of November 20, 2019; and

WHEREAS, a true and correct copy of the Order is attached hereto as Exhibit A; a true and correct copy of the Guilford County civil case processing system issue/order details—reflecting the docketing of the Order as a judgment—is attached hereto as Exhibit B; and a true and correct copy of the documents showing the balance owing on the Judgment as of November 20, 2019 is attached hereto as Exhibit C; and

WHEREAS, Melton has made the following representations:


1. I have not previously assigned all or any portion of the Judgment to any person or entity, and said Judgment is not subject to any liens or encumbrances;
2. Save and except for a sum of approximately \$100,000.00 obtained from David Michal and applied against the balance of the Judgment, there has been no payment of principal, interest or court costs to me (Melton) or any other person or entity on account of or creditable to the Judgment;
3. I am authorized to execute this document on behalf of myself individually and, as sole owner and Manager of the LLC Plaintiffs in the Civil Action, on behalf of Plaintiff LLCs;
4. I hereby affirm that all of the above recitals are true and accurate; and
5. I have authority to execute this Assignment individually and on behalf of the Plaintiff LLCs, and that said execution is voluntary and with full understanding of the terms thereof.

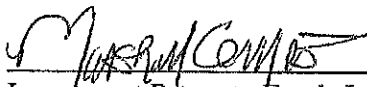
NOW, THEREFORE, pursuant to N.C.G.S. § 1-246, and for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Assignors hereby assign to the Assignees the Judgment, as well as the right to collect and receive the entire dollar amount thereof, including all lawful interest accruing thereon before and after November 20, 2019, on the following terms and conditions:

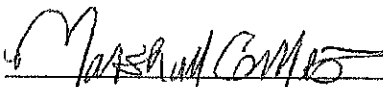
1. Enforceability; Division of Collection Proceeds. Assignees shall own the Judgment collectively, to be divided according to the terms of a written agreement between Assignees (the "COLLECTION AGREEMENT").
2. Binding on Successors. The terms of this Assignment shall be binding on the parties hereto and their respective successors in interest.
3. Attorney Fees. In the event that any party shall require legal representation to enforce the terms of this Assignment, the prevailing party shall recover attorney fees and other costs of representation from the non-prevailing party.

This the 26th day of April, 2021.

Assignors:

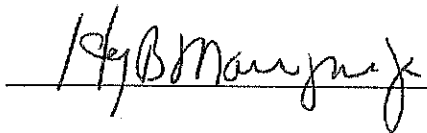

Marshall Melton, Individually


Investment Property Funds I, LLC
By Marshall Melton, Manager


West Bay Partners, LLC
By Marshall Melton, Manager


Integrated Consulting & Management, LLC
By Marshall Melton, Manager

On the 26th day of April in the year 2021, before me, the undersigned, personally appeared Marshall Melton, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same instrument, individually and as Manager of the above-named LLCs.

 (Seal)

Notary Public

My commission expires: April 22, 2022

